



May 20, 1999

Ms. Lilia Ledesma-Gonzalez
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR99-1398

Dear Ms. Ledesma-Gonzalez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124500.

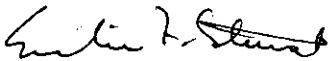
The City of McAllen (the “city”) received a request for “all records and pictures (arresting/offense reports)” for an individual. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code and section 51.14(d) of the Family Code. You have submitted to this office responsive information. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Where an individual’s criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual’s right to privacy. *See United States Dep’t of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989). In this instance, the requestor asks for all records of a named individual. We believe that this individual’s right to privacy has been implicated. Thus, you must withhold the information responsive to the request under section 552.101 of the Government Code. *See id.*; *see also* Gov’t Code § 411.106(b).

Having ruled upon the responsive information under common-law privacy, we need not reach your claim of confidentiality under section 51.14(d) of the Family Code. We are resolving this matter with an informal letter ruling rather than with a published open records

decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 124500

Encl: Submitted documents

cc: Ms. Laura L. Mendez
701 East 8th Street, Apartment B
Mission, Texas 78572
(w/o enclosures)